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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR-10-00395 PJH
14 v.)
15 JAMES DELBERT MCCONVILLE,) STIPULATION AND [PROPOSED]
a/k/a Delbert James McConville, and) ORDER EXCLUDING TIME FROM
16 LAURA MARGERY CATON,) SEPTEMBER 21, 2010 TO DECEMBER 3,
a/k/a Laura Margery Tate,) 2010 FROM SPEEDY TRIAL ACT
a/k/a Laura Gussman,) CALCULATION (18 U.S.C. §§
17 Defendants.) 3161(h)(7)(A) and (B))
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The parties appeared before Magistrate Judge Laurel Beeler on September 21, 2010, for status. Given the voluminous nature of the discovery and the busy calendars of defense counsel, the parties agreed that the matter should be continued to December 3, 2010, at 9:30 a.m. and that time should be excluded for the effective preparation of counsel. Accordingly, the parties further agree that it is unreasonable to expect adequate preparation for pretrial proceedings or trial within the time limits of the Speedy Trial Act.

The parties therefore stipulate to the following:

25 1. This matter is complex within the meaning of the Speedy Trial Act and an
exclusion of time for effective preparation of counsel is appropriate to allow defense counsel
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time to review the voluminous discovery, taking into account the exercise of due diligence.

2. The parties further agree that the ends of justice served by excluding the period from September 21, 2010, through December 3, 2010, from Speedy Trial Act calculations outweighs the interests of the public and the defendants in a speedy trial by allowing time for the defense effectively to prepare the case, in accordance with 18 U.S.C. §§ 3161(h)(7)(A) and (B).

SO STIPULATED.

Dated: September 21, 2010

/s/
KESLIE STEWART
Assistant United States Attorney

Dated: September 21, 2010

/s/
SUSAN RAFFANTI
Counsel to Defendant Caton

Dated: September 21, 2010

/s/
DAVID KENNER
Counsel to Defendant McConville

[PROPOSED] ORDER

Based on the stipulation of the parties and good cause appearing, the Court finds that the ends of justice served by excluding the period from September 21, 2010 through December 2, 2010, from Speedy Trial Act calculations outweighs the interests of the public and the defendant in a speedy trial by allowing time for the defense effectively to prepare the complex case, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B).

Accordingly, this matter is ordered set for status before magistrate Judge Donna M. Ryu on December 2, 2010 at 9:30 a.m. and the time from September 21, 2010, through December 2, 2010, shall be excluded from the Speedy Trial Act calculations, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B).

IT IS SO ORDERED.

DATED: September 23, 2010

L.B.
LAUREL BEELER
United States Magistrate Judge